



DT Rec'd PCT/PTO

14 JAN 2003
PATENT

Case Docket No. NIH257.001NP

Date: January 8, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Bukh, et al.
App. No. : 10/009,002
Filed : December 3, 2001
For : INFECTIOUS CDNA CLONE
OF GB VIRUS B AND USES
THEREOF

Group Art Unit : Unknown

) I hereby certify that this correspondence and all
) marked attachments are being deposited with the
) United States Postal Service as first class mail in
) an envelope addressed to: United States Patent
) and Trademark Office, P.O. Box 2327, Arlington,
) VA 22202, on

January 8, 2003

(Date)

Nancy W. Wensko
Nancy W. Wensko, Reg. No. 36,298

TRANSMITTAL LETTER

**United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202**

ATTENTION: BOX MISSING PARTS

Dear Sir:

In response to the Notice to File Missing Parts of Application Under 35 U.S.C. 371,
which was mailed by the Office on July 29, 2002, enclosed are:

- (X) A Declaration and Power of Attorney.
- (X) Copy of Assignment.
- (X) An extension of time to respond for four months is hereby requested.

Time Extension Fee:

- (X) four months (\$1450 large entity)
- (X) Request to Use Computer Readable Form From Another Application.
- (X) A Notice to File Missing Parts.
- (X) Return prepaid postcard.

PATENT

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(X) Fees as calculated below:

FEE FOR EXTENSION OF TIME (LARGE ENTITY)	four months	\$ 1450
SURCHARGE 37 CFR 1.492(e)		\$ + 130
TOTAL ADDITIONAL CLAIM FEE		\$ + 144
TOTAL OF ABOVE CALCULATIONS		\$ 1724
TOTAL FEES SUBMITTED HEREWITH		\$ 1724

(X) A check in the amount of \$1724 to cover the above fees is enclosed.

(X) The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment, to Account No. 11-1410.


Nancy W. Vensko
Registration No. 36,298
Attorney of Record
Customer No. 20,995
(805) 547-5580

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01/21/2003 SMAJARRD 00000077 10009002

01 FC:1254	1450.00	OP
02 FC:1617	130.00	OP
03 FC:1615	144.00	OP



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Bukh et al.) Group Art Unit Unknown
Appl. No. : 10/009,002)
Filed: : December 3, 2001)
For : INFECTIOUS CDNA CLONE)
OF GB VIRUS B AND USES)
THEREOF)
Examiner : Unknown

REQUEST TO USE COMPUTER READABLE FORM FROM ANOTHER
APPLICATION


Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The computer readable form in the instant application, 10/009,002, is identical with that filed in International Application No. PCT/US00/15293, filed June 2, 2000, designating the United States of America and published in English. In accordance with 37 CFR 1.821(e), please use the only-filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application. A paper copy of the Sequence Listing is included in the originally-filed specification of the instant application. The content of the paper and computer readable copies are the same.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 4/7/03

By: 
Nancy W. Vensko
Registration No. 36,298
Attorney of Record
2040 Main Street, 14th Floor
Irvine, CA 92614
(805) 547-5585

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UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/009,002	Jens Bukh	2026-4308US

INTERNATIONAL APPLICATION NO.

PCT/US00/15293

 Morgan & Finnegan
 345 Park Avenue
 New York, NY 10154-0053
CASE 02026-4308US1 ATTY SALDUE DATE September 29, 2002STATUTORY DATE February 28, 2003BY J. M.

I.A. FILING DATE	PRIORITY DATE
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06/02/2000

06/04/1999

CONFIRMATION NO. 2099

371 FORMALITIES LETTER



OC000000008531185

Date Mailed: 07/29/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Request for Immediate Examination

 638 V 9-007 727
 638 V 9-007 727

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
 - APPLICANT MUST PROVIDE:
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov
- Additional claim fees of **\$144** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$274** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$144**
 - **\$144** for **39** total claims over 20.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN R MCLEAN

Telephone: (703) 308-9117

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/009,002	PCT/US00/15293	2026-4308US

FORM PCT/DO/EO/905 (371 Formalities Notice)

COPY

ASSIGNMENT

WHEREAS, we, Jens Bukh, 10502 Parkwood Drive, Kensington, MD 20895, Citizenship: Denmark; Masayuki Yanagi, 1-4-8 Tera-machi, Kanazawa-shi, Ishikawa, 921-8033, Japan, Citizenship: Japan; Suzanne U. Emerson, 4517 Everett Street, Kensington, MD 20895, Citizenship: U.S.; Robert H. Purcell, 17517 White Ground Road, Boyds, MD 20841, Citizenship: U.S., employees of the Department of Health and Human Services, have invented INFECTIOUS CDNA CLONE OF GB VIRUS B AND USES THEREOF, for which we have filed an International Application for Letters Patent through the Patent Cooperation Treaty as International Application No. PCT/US00/15293 on June 2, 2000, the U.S. National Phase of which was filed as U.S. Patent Application No. 10/009,002 on December 3, 2001;

WHEREAS, we are the applicants named in the above-identified application for Letters Patent;

WHEREAS, the conditions under which said invention was made are such as to entitle the Government under Paragraph 1(a) of Executive Order 10096 to the entire right, title, and interest herein, both domestic and foreign; and

WHEREAS, the Government of the United States is desirous of acquiring all domestic and foreign right, title and interest in the above-mentioned invention described in the application for Letters Patent; and

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, we hereby assign and transfer to the United States of America, represented by the Secretary, Department of Health and Human Services, the full and exclusive rights in and to said invention in the U.S. and within each and every foreign country in which the Government elects to file and the entire right, title and interest in and to such applications, and any continuations, continuations-in-part, divisions, reissues or extensions thereof, and including priority rights as may be filed in the U.S. and foreign countries, and such Letters Patent as may be granted to be held by the Government to the end of the term for which the same would have been held by the inventors had this assignment not been made.

We further agree to make, execute and deliver to the Secretary, Department of Health and Human Services, upon request, any and all papers, documents, affidavits or other instruments that may be necessary in the prosecution of any application or applications for improvements or reissues of Letters Patent, and to assist the Government in every way as may be requested in protecting said invention, provided that any expense of extending such assistance shall be paid by the Government.

Client Code : NIH257.001NP
Serial No. : 10/009,002
Filing Date : December 3, 2001

IN WITNESS WHEREOF, I hereunto set my hand and seal this 18th day of December, 2002

Jens Bukh
Jens Bukh

STATE OF

COUNTY OF

ss.

COPY

On this 18th day of December, 2002, before me, a Notary Public in and for the State and County aforesaid, personally appeared Jens Bukh, personally known to me or proven on the basis of satisfactory evidence to be the person of that name, who signed and sealed the foregoing instrument, and acknowledged the same to be his/her free act and deed.

Sharyn B. Hartsfield
Notary Public in and for the aforesaid County and State
My Commission Expires: _____

SHARYN B. HARTSFIELD
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 19, 2004

Client Code : NIH257.001NP
Serial No. : 10/009,002
Filing Date : December 3, 2001


IN WITNESS WHEREOF, I hereunto set my hand and seal this ^{11th} ~~11th~~ day of ^{December, 2002} ~~December~~, 2002

Masayuki Yanagi
Masayuki Yanagi

Masayuki Yanagi
COPY

Client Code : NIH257.001NP
Serial No. : 10/009,002
Filing Date : December 3, 2001

IN WITNESS WHEREOF, I hereunto set my hand and seal this 17th day of December, 2002

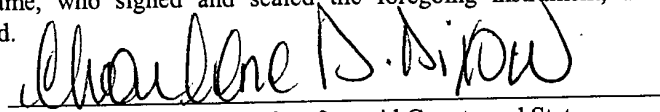

Suzanne U. Emerson


STATE OF

COUNTY OF

]] ss.

On this 17th day of December, 2002 before me, a Notary Public in and for the State and County aforesaid, personally appeared Suzanne U. Emerson, personally known to me or proven on the basis of satisfactory evidence to be the person of that name, who signed and sealed the foregoing instrument, and acknowledged the same to be his/her free act and deed.


Notary Public in and for the aforesaid County and State
My Commission Expires: _____


CHARLENE D. DIXON
NOTARY PUBLIC
PRINCE GEORGES COUNTY STATE OF MD
MY COMMISSION EXPIRES JUNE 6, 2006

Client Code : NIH257.001NP
Serial No. : 10/009,002
Filing Date : December 3, 2001

IN WITNESS WHEREOF, I hereunto set my hand and seal this 17th day of December, 2002

Robert H. Purcell
Robert H. Purcell

STATE OF

COUNTY OF

]] ss.

On this 17th day of December, 2002 before me, a Notary Public in and for the State and County aforesaid, personally appeared Robert H. Purcell, personally known to me or proven on the basis of satisfactory evidence to be the person of that name, who signed and sealed the foregoing instrument, and acknowledged the same to be his/her free act and deed.

Charlene D. Dixon

Notary Public in and for the aforesaid County and State

My Commission Expires:

CHARLENE D. DIXON

NOTARY PUBLIC

PRINCE GEORGES COUNTY STATE OF MD
MY COMMISSION EXPIRES JUNE 6, 2006

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